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PETITION OF

COLUMBIA GAS OF VIRGINIA, INC.

CASE NO. PUE-2002-00070

For a Declaratory Judgment

HEARING EXAMINER'S RULING

April 25, 2002

On April 11, 2002, the Virginia Industrial Gas Users' Association ("VIGUA"), by counsel, filed a Motion to Require Columbia Gas of Virginia, Inc. ("Columbia") to Answer the Cross-Petition for Declaratory Judgment and for the Parties to Enter into Stipulations in the captioned proceeding. Among other things, VIGUA requests: (1) that its Motion, as well as its March 12, 2002, filing, be deemed a Notice of Participation pursuant to Rule 5 VAC 5-20-80 B of the Commission's Rules of Practice and Procedure; (2) the Commission to order Columbia Gas to respond to each allegation set forth in VIGUA's Cross-Petition; and (3) the Commission to order the parties to enter into a joint stipulation of facts and issues upon which they agree and disagree.

I find that VIGUA's Motion should be granted. Accordingly,

IT IS DIRECTED THAT:

- (1) VIGUA's Motion is deemed a Notice of Participation;
- (2) Columbia shall file an answer to VIGUA's Cross-Petition on or before May 3, 2002;
- (3) The parties hereto (excluding Commission Staff) are directed to formulate a matrix of issues involved in this proceeding and designate the issues and facts upon which they agree or disagree; and
- (4) The procedural schedule and hearing date remain as previously established, with the following additions:
 - a. On or before May 15, 2002, VIGUA shall file with the Clerk of the Commission, an original and fifteen (15) copies of any testimony and exhibits in support of its Cross-Petition and serve a copy on counsel for Columbia, Commission Staff, and all other Respondents;
 - b. On or before May 24, 2002, Columbia and any Respondent desiring to do so, shall file with the Clerk of the Commission, an original and fifteen (15) copies of its testimony and exhibits pertaining to VIGUA's

- Cross-Petition and serve a copy on counsel for VIGUA, Commission Staff and all other Respondents;
- c. On or before June 10, 2002, Commission Staff may file an original and fifteen (15) copies of its testimony and exhibits pertaining to VIGUA's Cross-Petition and serve a copy on Columbia, VIGUA and all other Respondents.
 - d. On or before June 21, 2002, VIGUA may file with the Clerk of the Commission an original and fifteen (15) copies of all testimony and exhibits it expects to introduce in rebuttal to all direct prefiled testimony and exhibits, and shall also serve a copy on counsel for Columbia, Commission Staff and all other Respondents;
 - e. Argument, testimony and exhibits pertaining to VIGUA's Cross-Petition shall be heard and received in conjunction with argument, testimony and exhibits pertaining to Columbia's Petition at the scheduled hearing on July 11, 2002.

Howard P. Anderson, Jr.
Hearing Examiner